



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
March 26, 2007
5:00 P.M.
Council Office

COUNCIL MEMBERS PRESENT:

V. Spencer, J. Waltman, S. Fuhs, S. Marmarou, M. Goodman-Hinnershitz, D. Sterner

OTHERS IN ATTENDANCE:

L. Churchill, C. Kanezo, C. Younger, L. Kelleher, A. Mukerji, A. Johnson

Vaughn Spencer, President of Council, called the Committee of the Whole meeting to order at 5:00p.m.

I. Referendum Questions

A. Neutrality of the Solicitor

Mr. Waltman thought defining the neutrality of the solicitor through referendum is an ambiguous proposition. The proposed question might provide a solicitor with better job security, while loosening the hold of Council and the Administration. Potential drawbacks to the referendum question include: lack of accountability and the possibility of political favoritism on the part of Council or the Mayor. Mr. Waltman stressed his misunderstanding of how the referendum question assumed the proposed form, as he had been under the impression neutrality would be accomplished through the hiring of an additional solicitor. One who would be responsible only to Council.

Mr. Spencer noted the Managing Director had raised several objections to the establishment of dual solicitors. Mr. Waltman admitted the Managing Director had raised valid points in his objections; however, Mr. Waltman failed to see how the proposed amendment improved government. Mr. Spencer remarked that government would be improved through stability in the solicitor's office. If the solicitor were able to offer advice without worry of summary dismissal because the opposing party objected to his position, then solid legal opinions could be shaped. Ms. Goodman-

Hinnershitiz observed that when ruptures emerge between Council and the Mayor the solicitor and his staff are placed in untenable positions. Mr. Waltman was unwilling to support the proposal for many reasons; the most important one being the loss of power the Mayor and Council would suffer. Mr. Marmarou suggested that in view of the objections raised by Mr. Waltman, Council should consider evaluating the hiring of a separate solicitor.

Ms. Goodman-Hinnershitiz offered that the proposed amendment was looking at fine tuning the office, not a wholesale departure from existing practices. Mr. Spencer observed that if the question were to be placed on the ballot in time for the May primary Council would need to take action at the March 26th meeting. Mr. Spencer asked Council to consider the question and be prepared with a position by the 26th. By way of background, the ordinance placing the question on the ballot was introduced on the 12th. If Council wished to alter the question significantly, then the amended question or the reintroduced question would not be up for a vote until the first meeting in April. Such a delay would prevent the question from being placed on the May ballot.

B. Residency

Mr. Younger explained that the issue of residency was too complex to be solved by one ballot question. The issue involved not only the definition of residency, but who was required to be a resident. The question proposed for May would address the first question: what is residency? Mr. Younger offered that residency would be defined as legal residency, using domicile as the basis for the definition. Mr. Waltman questioned how this solved current problems. Mr. Younger explained that the definition of domicile prevented the use of sham apartments and mailing addresses, since domicile is defined as: 1. a person's legal home; 2. a place where a person has his/her true, fixed, and permanent home and principal establishment, and to which whenever he/she is absent has the intention of returning. By this definition a person can have only one domicile.

The second question, to be asked on a subsequent ballot, would clarify who must be a resident. Ms. Goodman-Hinnershitiz commended the incremental approach as the best way to finally resolve the conflicts surrounding residency. Mr. Marmarou was worried that the explanation of domicile in the question might confuse voters. Mr. Waltman observed that the issue has circled around so often that many people are confused. Though he is confident the explanation provided on the ballot could be phrased in such a way as to minimize confusion.

The majority of Council voiced their support for the residency question, which had been introduced at the March 12th meeting.

II. CDBG Reallocation

Mr. Mukerji discussed how CD staff evaluated projects for use of reallocated funds. Mr. Fuhs asked if members of the public were in attendance at the recent public hearing. According to Mr. Mukerji the public comment received at the hearing was not directly related to proposed projects; the comment dealt more with the CDBG application process.

Mr. Churchill informed Council that any reallocated CDBG dollars not expended by the October deadline could be secured through the issuance of a new float loan. Once secured through the loan, unexpended dollars could be rolled together with the 2008 CDBG allocation. Because of the ability to issue float loans, there is time to review applications for unallocated funds; however, proposing entities should seriously consider beginning the 2008 application process. 2008 applications are due in June.

Mr. Mukerji explained that an application serves as the basis for CD staff evaluation of a project. Funds cannot be committed until an application has been reviewed and approved. Mr. Spencer asked how the reallocation for the Office of Neighborhood Development (OND) was going to be spent. Ms. Goodman-Hinnershitz questioned if there was any truth to rumors of a car and sophisticated computer equipment being purchased out of CDBG funds for OND. Mr. Churchill provided a report on OND and Neighborhood Strategy Team activities (see attached report)

In view of questions being raised concerning OND and the need to have Mr. Cockrell present to answer said questions, and the desire to discuss the reallocation process in more detail, Council asked to convene a special meeting of the Finance Committee. It was agreed to hold the special meeting on Thursday March 22nd, at 5:00p.m.

III. Executive Session

Council entered an Executive Session at 6:30p.m., to discuss property acquisition and review the performance evaluation of the Solicitor, Charles Younger.

The session lasted until Council formally adjourned at 7:10p.m.

Respectfully Submitted

By: _____
Linda A. Kelleher, City Clerk